

REMARKS

This is a full and timely response to the non-final Office action mailed November 30, 2006. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 16-19 are pending in this application, with Claim 16 being the sole independent claim. Claims 16 and 19 have been amended, and Claims 1-15 and 20-25 have been canceled herein. No new matter is believed to have been added.

Objections to the Specification

The specification was objected to for not including up-to-date related application data. The specification is amended herein to include the pertinent data. As such, reconsideration and withdrawal of the objection is requested.

Rejections Under 35 U.S.C. § 103

Claims 1-19 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent Nos. 5,321,228 (Krause et al.) and 4,237,364 (Lemelson); Claims 1-4 and 6-9 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent Nos. 5,993,550 (Eloy) and Lemelson; and Claims 1-4 and 6-9 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent Nos. 4,814,575 (Petitbon) and Lemelson. These rejections are respectfully traversed.

As regards the rejections of Claims 1-15, these claims have been canceled herein, thereby mooted all associated rejections. As to the remaining claims, namely Claims 16-19, independent Claim 16 now recites, *inter alia*, that the laser beam focal point and the filler material focal point are independently adjustable. It is noted that support for this feature can be found at least on page 15, II. 2-3 of the as-filed application.

Krause et al. relates to laser welding nozzle, and discloses a laser beam aperture and a plurality of filler media supply passages. However, Krause et al. fails to disclose, or even remotely suggest, that the nozzle is configured such that the laser beam focal point and the filler material focal point are independently adjustable. Lemelson was cited for its disclosure of a hand held laser welding device; however, it also fails to disclose or suggest at least the same feature that is deficient in Krause et al. Moreover, each of the other citations of record fails to

cure this deficiency.

In view of the foregoing, reconsideration and withdrawal of the § 103 rejections is respectfully requested.

Conclusion

Based on the above, independent Claim 16 is patentable over the citations of record. The dependent claims are also deemed patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

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